

SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Schedule Public Hearing on July 13, 2010 at 5:00 PM at the Sumter County Government Offices, 910 N. Main Street, Bushnell, Room 142 to Consider the Creation of the North Sumter County Utility Dependent District via Ordinance

REQUESTED ACTION: **Schedule Public Hearing to consider the Ordinance**

☐ Work Session (Report Only) **DATE OF MEETING:** 6/22/2010
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☐ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: See Explanation Below

<input type="checkbox"/> Annual	FUNDING SOURCE:	<u>Not Applicable</u>
<input type="checkbox"/> Capital	EXPENDITURE ACCOUNT:	<u>Not Applicable</u>
<input checked="" type="checkbox"/> N/A		

HISTORY/FACTS/ISSUES:

A petition was presented by Mr. Gary W. Davis, Incorporator of the North Sumter County Utility District, Inc. to create the North Sumter County Utility Dependent District via the attached ordinance pursuant to Chapter 189 of the Florida Statutes.

The size of the proposed dependent district encompasses those areas of The Villages DRI south of C-466 and North of C-466A. The purposes behind the petition to create the dependent district is based on the need to move forward with the acquisition of the assets of the North Sumter County Utility District as noted in the previously described geographic area of The Villages DRI. The created dependent district, although labeled as dependent, has considerable independence in its proposed future actions including all the powers of Chapter 189 of the Florida Statutes. Through this independent nature, it will be able to exercise all of those powers; however, the ordinance proposed does limit its taxing power by placing a 0.25 millage rate cap. Also the dependent district will present annually a budget to the Sumter County Board of Commissioners (BOCC) to which the BOCC can only accept or reject. The dependent district will be governed by elected officials, again from the previously described geographic area.

The manner of the creation of the dependent district under the Florida Statutes should preclude any of its actions from being a reflection on the BOCC audit positively or negatively. Any legal or financial issues therefore should be contained within the dependent district.

As part of the continued benefit of the local economy generated by The Villages, the proposed ordinance is part of the BOCC's continued economic development efforts to grow Sumter County.

NORTH SUMTER COUNTY UTILITY DISTRICT, INC.

2465 Violet Court
The Villages, Florida 32162

June 15, 2010

Mr. Bradley Arnold
County Administrator
910 North Main Street, Suite 201
Bushnell, FL 33513

Dear Mr. Arnold:

Enclosed is a petition to create the North Sumter County Utility Dependent District pursuant to Chapter 189 of the Florida Statutes. On behalf of North Sumter County Utility District, Inc., I respectfully request that the petition be noticed for a public hearing before the Sumter County Board of County Commissioners at their regularly scheduled meeting on July 13, 2010.

Sincerely,



Gary W. Davis
Incorporator

ORDINANCE _____

AN ORDINANCE OF SUMTER COUNTY CREATING THE NORTH SUMTER COUNTY UTILITY DEPENDENT DISTRICT AS A DEPENDENT SPECIAL DISTRICT AS EXPRESSED IN SECTION 189.4041, FLORIDA STATUTES; STATING THE PURPOSE, POWERS, FUNCTIONS, AND DUTIES OF THE DISTRICT; DESIGNATING THE GEOGRAPHIC BOUNDARY LIMITATIONS OF THE DISTRICT; STATING THE AUTHORITY OF THE DISTRICT; EXPLAINING WHY THE DISTRICT IS THE BEST ALTERNATIVE; DESIGNATING THE MEMBERSHIP, ORGANIZATION, COMPENSATION, AND ADMINISTRATIVE DUTIES OF THE GOVERNING BOARD OF THE DISTRICT; STATING ALL FINANCIAL DISCLOSURES, NOTICING AND REPORTING REQUIREMENTS; STATING THE METHODS FOR FINANCING THE DISTRICT; DECLARING THAT THE CREATION OF THE DISTRICT IS CONSISTENT WITH THE APPROVED LOCAL GOVERNMENT COMPREHENSIVE PLANS, PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, Sumter County, Florida (the "County") has received a request from North Sumter County Utility District, Inc., a Florida corporation not for profit, for the creation of the North Sumter County Utility Dependent District as a dependent special district in accordance with Chapter 189, Florida Statutes, which district will include the property described in Exhibit "A," attached hereto; and

WHEREAS, the decision of the County acting through its Board of County Commissioners to establish the North Sumter County Utility Dependent District is authorized by Chapter 189, Florida Statutes, Chapter 125, Florida Statutes, and Article VIII, Section 1 of the Florida Constitution; and

WHEREAS, the County has reviewed all factors as required by Chapter 189, Florida Statutes, and upon such review has determined that the establishment of the District is in the public interest of the County and its residents for their existing and future health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, THAT THE FOLLOWING LANGUAGE SHALL BE CODIFIED IN SECTION 22 OF THE SUMTER COUNTY CODE, HERETOFORE RESERVED:

SECTION 1. ESTABLISHMENT AND STATUS STATEMENT OF DISTRICT. The “WHEREAS” recitals above are hereby confirmed and adopted, and the County does hereby establish the North Sumter County Utility Dependent District, hereinafter the “District” as a dependent special district within the meaning of Chapter 189, Florida Statutes, for all purposes consistent with, and as authorized by Chapter 189, Florida Statutes, and all other applicable law.

SECTION 2. ESTABLISHMENT OF DISTRICT BOUNDARY. The geographic boundary for the District shall include and incorporate all property described as follows:

A PARCEL OF LAND LYING WITHIN SECTIONS 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28 33, 34, 35, AND 36, TOWNSHIP 18 SOUTH, RANGE 23 SOUTH, AND WITHIN SECTIONS 1, 2, 3, AND 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NUMBER 466-A WITH RANGE LINE 23 EAST (SUMTER COUNTY) AND RANGE LINE 24 EAST (LAKE COUNTY), SUMTER COUNTY, FLORIDA;

THENCE RUN WESTERLY ALONG THE NORTH RIGHT OF WAY OF COUNTY ROAD NUMBER 466-A TO ITS INTERSETION WITH THE WEST LINE OF THE EAST 3/4 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 23 EAST;

THENCE DEPARTING AFOREMENTIONED RIGHT OF WAY LINE, RUN NORTHERLY ALONG THE SAID WEST LINE OF THE EAST 3/4 TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 23 EAST; THENCE RUN WESTERLY ALONG

SAID SOUTH LINE TO ITS INTERSECTION WITH THE WEST LINE OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 23 EAST;

THENCE RUN WESTERLY ALONG THE SOUTH LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST TO THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST;

THENCE RUN NORTHERLY ALONG AFOREMENTIONED WEST LINE TO ITS INTERSECTION WITH THE SOUTH LINE OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 23 EAST;

THENCE RUN WESTERLY ALONG SAID SOUTH LINE OF SECTION 33 TO ITS INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF COUNTY ROAD NUMBER 462;

THENCE RUN NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE N00°30'01"E, 624.00 FEET;

THENCE S89°56'27"E, 480.42 FEET;

THENCE N80°06'20"E, 184.54 FEET;

THENCE N88°46'48"E, 410.04 FEET;

THENCE N87°26'32"E, 159.77 FEET;

THENCE N81°48'29"E, 95.13 FEET;

THENCE N79°07'41"E, 105.40 FEET;

THENCE N76°41'19"E, 132.74 FEET TO A POINT ON THE WEST LINE OF THE EAST 1092 FEET OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 23 EAST;

THENCE NORTHERLY ALONG AFOREMENTIONED WEST LINE TO ITS INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NUMBER 132;

THENCE WESTERLY ALONG AFOREMENTIONED NORTH RIGHT OF WAY LINE TO ITS INTERSECTION WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 23 EAST;

THENCE NORTHERLY ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 23 EAST TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 23 EAST;

THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 23 EAST TO ITS INTERSECTION WITH THE EAST LINE OF THE WEST 336 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 23 EAST, ALSO BEING THE WEST LINE OF TRACT 'G', "VILLAGES OF SUMTER UNIT 170" , ACCORDING TO THE PLAT THEREOF AS

RECORDED IN PLAT BOOK 11, PAGES 18, 18A, 18B, 18C, 18D, AND 18E,
PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID TRACT 'G' TO ITS
INTERSECTION WITH THE NORTH LINE OF SAID TRACT 'G';

THENCE EASTERLY ALONG THE NORTH LINE OF SAID TRACT 'G' TO ITS
INTERSECTION WITH THE WEST LINE OF TRACT 'F', "VILLAGES OF SUMTER
UNIT 170" , ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT
BOOK 11, PAGES 18, 18A, 18B, 18C, 18D, AND 18E, PUBLIC RECORDS OF
SUMTER COUNTY, FLORIDA;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID TRACT 'F',
N00°32'21"E 480.00 FEET;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID TRACT 'F', S89°31'06"E
210.00 FEET;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID TRACT 'F',
N00°32'21"E 630.00 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF
SECTION 33, TOWNSHIP 18 SOUTH, RANGE 23 EAST AND THE SOUTH LINE
OF SAID TRACT 'F';

THENCE WESTERLY ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF
SECTION 33, TOWNSHIP 18 SOUTH, RANGE 23 EAST AND THE SOUTH LINE
OF SAID TRACT 'F', TO THE EAST RIGHT OF WAY OF COUNTY ROAD
NUMBER 121 AND THE WEST LINE OF TRACT 'E', "VILLAGES OF SUMTER
UNIT 170", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT

BOOK 11, PAGES 18, 18A, 18B, 18C, 18D, AND 18E, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA;

THENCE NORTHERLY ALONG AFOREMENTIONED EAST RIGHT OF WAY OF COUNTY ROAD NUMBER 121, TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 18 SOUTH, RANGE 23 EAST AND THE NORTH LINE OF "VILLAGES OF SUMTER UNIT 170" , ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGES 18, 18A, 18B, 18C, 18D, AND 18E, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA;

THENCE EASTERLY ALONG THE NORTH LINE OF "VILLAGES OF SUMTER UNIT 170" , ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGES 18, 18A, 18B, 18C, 18D, AND 18E, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA THE FOLLOWING 3 COURSES;

1. S89°34'36"E 2622.35 FEET;
2. S89°36'47"E 154.38 FEET;
3. N46°30'57"E 185.33 FEET TO THE MOST WESTERLY CORNER OF LOT 20, "VILLAGES OF SUMTER UNIT 169" , ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGES 3 AND 3A, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA;

THENCE NORTHERLY THE FOLLOWING 8 COURSES ALONG THE WESTERLY LINE OF "VILLAGES OF SUMTER UNIT 169" , ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGES 3 AND 3A, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA;

1. N07°27'04"E 212.81 FEET
2. N10°19'32"E 212.94 FEET
3. N12°53'33"E 94.30 FEET
4. N20°23'35"E 95.90 FEET
5. N23°16'23"E 100.04 FEET
6. N37°07'09"E 92.46 FEET
7. N48°11'35"E 170.00 FEET
8. N00°22'41"E 300.34 FEET TO THE NORTH LINE OF SAID
"VILLAGES OF SUMTER UNIT 169" ;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID "VILLAGES OF SUMTER UNIT 169" TO THE WEST LINE OF GOVERNMENT LOT 1 AND THE WEST LINE OF LOT 66, "VILLAGES OF SUMTER UNIT 168" , ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGES 12, 12A, 12B, 12C, 12D, 12E, 12F, 12G AND 12H, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA;

THENCE NORTHERLY ALONG THE WEST LINE OF LOT 66 AND TRACT 'M', SAID "VILLAGES OF SUMTER UNIT 168" , TO THE SOUTH LINE OF LOT 69, SAID "VILLAGES OF SUMTER UNIT 168;

THENCE WESTERLY ALONG THE SOUTH LINE OF LOTS 68, 69 AND TRACT 'K', SAID "VILLAGES OF SUMTER UNIT 168, N89°38'51"W, 375.49 FEET TO THE WEST LINE OF SAID TRACT 'K';

THENCE NORTHWESTERLY ALONG THE SOUTHWEST LINE OF TRACT 'K' AND TRACT 'J' THE FOLLOWING 3 COURSES, TO THE EAST LINE OF TRACT 'T', "VILLAGES OF SUMTER UNIT 168" , "VILLAGES OF SUMTER UNIT 168";

1. N37°42'31"W 522.75 FEET;
2. N64°13'11"W 653.77 FEET;
3. N89°38'31"W 137.86 FEET;

THENCE SOUTHERLY, WESTERLY, NORTHERLY AND EASTERLY ALONG THE BOUNDARY OF SAID TRACT 'T', THE FOLLOWING 5 COURSES , TO THE WEST LINE OF TRACT 'H', SAID "VILLAGES OF SUMTER UNIT 168";

1. S00°21'29"W 100.00 FEET;
2. N89°38'31"W 160.00 FEET;
3. N13°49'11"W 207.74 FEET;
4. N52°08'11"W 16.40 FEET;
5. N79°35'49"E 61.27 FEET;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID TRACT 'H', N05°06'46"W, 146.48 FEET TO THE NORTH LINE OF SAID TRACT 'H';

THENCE EASTERLY ALONG THE NORTH LINE OF SAID TRACT 'H',
N79°35'49"E 2.01 FEET TO THE WEST LINE OF 'BAYPOINT WAY', SAID
"VILLAGES OF SUMTER UNIT 168";

THENCE NORTHERLY ALONG THE WEST LINE OF SAID 'BAYPOINT WAY' TO
ITS INTERSECTION WITH THE SOUTH LINE OF TRACT 'G', SAID "VILLAGES
OF SUMTER UNIT 168";

THENCE WESTERLY, NORTHERLY AND EASTERLY ALONG THE SOUTH,
WEST AND NORTHERLY LINE OF SAID TRACT 'G' TO ITS INTERSECTION
WITH A LINE DRAWN N57°45'51"E 27.89 FEET FROM THE MOST EASTERLY
CORNER OF LOT 96, SAID "VILLAGES OF SUMTER UNIT 168";

THENCE NORTHERLY FROM LAST DESCRIBED POINT TO THE
INTERSECTION OF THE SOUTHWEST CORNER OF TRACT 'J', "VILLAGES OF
SUMTER UNIT NO. 171", ACCORDING TO THE PLAT THEREOF AS RECORDED
IN PLAT BOOK 8, PAGES 40, 40A, 40B AND 40D, PUBLIC RECORDS OF
SUMTER COUNTY, FLORIDA;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID "VILLAGES OF
SUMTER UNIT NO. 171" TO THE INTERSECTION OF THE NORTH RIGHT OF
WAY LINE OF COUNTY ROAD NUMBER 472;

THENCE WESTERLY ALONG AFOREMENTIONED NORTH LINE TO ITS
INTERSECTION WITH THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST
1/4 OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 18 SOUTH, RANGE 23
EAST, SUMTER COUNTY, FLORIDA;

THENCE NORTHERLY ALONG AFOREMENTIONED LINE TO THE INTERSECTION OF THE NORTH LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21;

THENCE WESTERLY ALONG AFOREMENTIONED NORTH LINE TO THE NORTHWEST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4;

THENCE WESTERLY ALONG THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA TO ITS INTERSECTION WITH THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 20;

THENCE NORTHERLY ALONG AFOREMENTIONED LINE TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 20;

THENCE ALONG THE NORTH LINE OF SAID SECTION 20 AND THE SOUTH LINE OF "VILLAGES OF SUMTER UNIT NO. 80", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGES 42 AND 42A, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, TO ITS INTERSECTION WITH THE WEST LINE OF SAID "VILLAGES OF SUMTER UNIT NO. 80", ALSO BEING THE EAST LINE OF TRACT 'A', "VILLAGES OF SUMTER UNIT NO. 79", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGES 27, 27A, 27B AND 27C, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA;

THENCE CONTINUE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 20 AND THE SOUTH LINE OF SAID TRACT 'A' TO ITS INTERSECTION WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA ALSO BEING THE WEST LINE OF SAID "VILLAGES OF SUMTER UNIT 79";

THENCE NORTHERLY ALONG SAID WEST LINE OF SAID "VILLAGES OF SUMTER UNIT 79", TO THE NORTHWEST CORNER OF SAID "VILLAGES OF SUMTER UNIT 79";

THENCE EASTERLY ALONG THE NORTH LINE OF TRACT 'C', SAID "VILLAGES OF SUMTER UNIT 79", TO THE NORTHEAST CORNER OF TRACT 'C', SAID "VILLAGES OF SUMTER UNIT 79", ALSO BEING THE NORTHWEST CORNER OF TRACT 'B', OF "VILLAGES OF SUMTER UNIT NO. 78", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGES 17 AND 17A, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA;

THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID TRACT 'B', TO ITS INTERSECTION WITH THE WEST LINE OF LOT 15, SAID "VILLAGES OF SUMTER UNIT 78";

THENCE NORTHERLY ALONG THE WEST LINE OF LOTS 15 TO 19, BOTH INCLUSIVE, TRACT 'C' AND TRACT 'A', SAID "VILLAGES OF SUMTER UNIT 78", TO THE NORTHWEST CORNER OF SAID TRACT 'A';

THENCE EASTERLY ALONG THE NORTH LINE OF SAID TRACT 'A', TO THE NORTHEAST CORNER OF SAID TRACT 'A', ALSO BEING THE NORTHWEST CORNER OF "VILLAGES OF SUMTER ARLINGTON VILLAS", ACCORDING TO

THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGES 21 AND 21A,
PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA;

THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID TRACT 'A'
TO ITS INTERSECTION WITH THE EAST LINE OF SAID " VILLAGES OF
SUMTER ARLINGTON VILLAS";

THENCE SOUTHERLY ALONG AFOREMENTIONED EAST LINE TO ITS
INTERSECTION WITH THE NORTH LINE OF "VILLAGES OF SUMTER
HIALEAH VILLAS REPLAT", ACCORDING TO THE PLAT THEREOF AS
RECORDED IN PLAT BOOK 6, PAGES 36 AND 36A, PUBLIC RECORDS OF
SUMTER COUNTY, FLORIDA;

THENCE EASTERLY ALONG AFOREMENTIONED NORTH LINE OF "VILLAGES
OF SUMTER HIALEAH VILLAS REPLAT" TO ITS INTERSECTION WITH THE
WEST RIGHT OF WAY OF BELVEDERE BOULEVARD AS SHOWN ON
"VILLAGES OF SUMTER CHERRY HILL VILLAS", ACCORDING TO THE PLAT
THEREOF AS RECORDED IN PLAT BOOK 6, PAGES 6 AND 6A, PUBLIC
RECORDS OF SUMTER COUNTY, FLORIDA;

THENCE EASTERLY AT RIGHT ANGLES TO AFOREMENTIONED EAST RIGHT
OF WAY LINE S52°59'05"E, 60.00 FEET TO A POINT ON THE WEST RIGHT OF
WAY LINE OF SAID BELVEDERE BOULEVARD;

THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE TO ITS
INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF PARR DRIVE AS
SHOWN ON "VILLAGES FINANCIAL CENTER", ACCORDING TO THE PLAT

THEREOF AS RECORDED IN PLAT BOOK 6, PAGES 46 AND 46A, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA;

THENCE EASTERLY ALONG AFOREMENTIONED SOUTH RIGHT OF WAY LINE TO ITS INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF SAID PARR DRIVE;

THENCE NORTHERLY ALONG AFOREMENTIONED EAST RIGHT OF WAY TO ITS INTERSECTION WITH THE SOUTH RIGHT OF WAY OF COUNTY ROAD NUMBER 466;

THENCE EASTERLY AND SOUTH EASTERLY ALONG SOUTH RIGHT OF WAY OF COUNTY ROAD NUMBER 466 TO ITS INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 18 SOUTH, RANGE 23 EAST;

THENCE SOUTHERLY ALONG AFOREMENTIONED EAST LINE S00°02'15"W, 209.95 FEET;

THENCE SOUTHEASTERLY S54°00'17"E, 211.18 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 13;

THENCE WESTERLY ALONG THE SOUTH LINE OF SECTION 13 TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 13;

THENCE SOUTHERLY ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 18 SOUTH, RANGE 23 EAST TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 24;

THENCE WESTERLY ALONG AFOREMENTIONED SOUTH LINE TO ITS INTERSECTION WITH THE NORTH-SOUTH MID SECTION LINE OF SAID SECTION 24;

THENCE SOUTHERLY ALONG SAID MID SECTION LINE TO ITS INTERSECTION WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 24;

THENCE EASTERLY ALONG THE AFOREMENTIONED NORTH LINE TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 24;

THENCE SOUTHERLY ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 24, TO ITS INTERSECTION WITH THE NORTH LINE OF THE SOUTH 3/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 24;

THENCE EASTERLY ALONG AFOREMENTIONED NORTH LINE TO THE INTERSECTION WITH THE WEST RIGHT OF WAY OF SUMTER COUNTY ROAD NUMBER 100, ALSO BEING CHERRY LAKE ROAD , LAKE COUNTY;

THENCE SOUTHERLY ALONG AFOREMENTIONED WEST RIGHT OF WAY LINE TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 18 SOUTH, RANGE 23 EAST;

THENCE WESTERLY ALONG AFOREMENTIONED SOUTH LINE TO ITS INTERSECTION WITH THE WEST LINE OF THE NORTH 540 FEET OF THE EAST 965 FEET OF THE SOUTHEAST 1/4 OF SAID SECTION 25;

THENCE SOUTHERLY ALONG AFOREMENTIONED WEST LINE TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTH 540 FEET OF THE EAST 965 FEET OF THE SOUTHEAST 1/4 OF SAID SECTION 25;

THENCE EASTERLY ALONG THE AFOREMENTIONED SOUTH LINE TO ITS INTERSECTION WITH THE WEST RIGHT OF WAY OF SUMTER COUNTY ROAD NUMBER 100, ALSO BEING CHERRY LAKE ROAD , LAKE COUNTY;

THENCE SOUTHERLY ALONG AFOREMENTIONED RIGHT OF WAY TO ITS INTERSECTION WITH THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK NUMBER 138, PAGE 361, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, ASLO BEING THE SOUTH LINE OF "VILLAGES OF SUMTER UNIT NO. 127", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGES 9, 9A AND 9B, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA;

THENCE WESTERLY ALONG AFOREMENTIONED NORTH LINE TO ITS INTERSECTION WITH THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK NUMBER 138, PAGE 361, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, ALSO BEING THE EAST LINE OF "VILLAGES OF SUMTER UNIT NO. 130", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGES 17 AND 17A, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA;

THENCE SOUTHERLY ALONG AFOREMENTIONED EAST LINE TO ITS INTERSECTION WITH THE NORTH LINE OF THE NORTH 1/2 OF THE

SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 23 EAST;

THENCE WESTERLY ALONG AFOREMENTIONED NORTH LINE TO THE NORTHWEST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36;

THENCE SOUTHERLY ALONG THE WEST LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36 TO THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36;

THENCE EASTERLY ALONG AFOREMENTIONED SOUTH LINE TO ITS INTERSECTION WITH RANGE LINE 23 EAST (SUMTER COUNTY) AND RANGE LINE 24 EAST (LAKE COUNTY), SUMTER COUNTY, FLORIDA;

THENCE SOUTHERLY ALONG SAID RANGE LINE TO ITS INTERSECTION WITH THE NORTH RIGHT OF WAY OF COUNTY ROAD NUMBER 466A AND THE POINT OF BEGINNING.

LESS THE FOLLOWING DESCRIBED PARCEL OF LAND, THE SOUTH 296 FEET OF EAST 296 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 18 SOUTH, RANGE 23 EAST.

all of which is located within the unincorporated jurisdiction of the County. The above described area is not located in the City of Wildwood's Utility Service Area.

SECTION 3. PURPOSE, POWERS, FUNCTIONS, DUTIES AND AUTHORITY OF DISTRICT. The District shall have all authority and powers as authorized by law, to function so as to effectuate its purpose to provide community development systems, facilities, services,

projects, improvements, infrastructure and other “public facilities” to the District community, including the following powers:

- a. The right to exercise any and all provision or powers granted to the District by applicable law;
- b. The full and complete right to contract, including, but not limited to, the right to contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature;
- c. The authority to prescribe, fix, maintain and regulate fees, charges or rents for the use of any District facilities or services;
- d. The authority to borrow money, issue bonds and other types of securities, pledge or otherwise encumber any of the District’s property or assets upon terms and conditions to be determined by the District Board;
- e. The right to adopt and enforce reasonable rules and regulations or procedures pertaining to the use, acquisition, maintenance, development, operation or disposal of any of the properties, services, facilities, or projects of the District;
- f. The right to do, and to perform all such things separately or in conjunction with a county, municipality, other special districts or other political subdivision of the state whether the same is within or without the territorial limits of the District;
- g. The right to employ and compensate a staff and such personnel, consultants and technical and professional assistants as the District Board shall determine to be necessary;

h. The right to conduct and pay for studies, plans and designs to effectuate the purpose of the District, which action may include, but is not limited to, work plans for expansion, staffing plans and financing plans;

i. The right to enter into interlocal agreements or other contracts with public or private entities, if necessary, for the purpose of accomplishing the purposes of the District;

j. The right to enter into contracts with public or private entities for the provision of assistance in planning, financing and constructing any and all facilities and services as determined to be appropriate and desirable by the District Board;

k. The right to contract for appropriate engineering and financial feasibility studies;

l. The right to maintain an office at such place or places within the territorial boundary of the District as the District Board may designate;

m. The right to accept and receive, utilize or expend, in furtherance of its functions, funds, grants and services from the federal government or its agencies, from departments, agencies and instrumentalities of state, municipal, county or other local governments, or from private or civic sources;

n. The right to invest in accordance with applicable Florida law any surplus money, moneys in any sinking fund or other fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness or for any other purpose;

o. The right to annually levy ad valorem taxes not to exceed a millage rate in excess of 0.25 mills, special assessments as authorized by Chapter 189 Florida Statutes, and to

charge, collect, and enforce fees and other user charges only as specifically authorized by Chapter 189, Florida Statutes;

p. The right to hold, control, and acquire by donation, purchase, lease, eminent domain or otherwise, or dispose of, any easements, dedications, platted reservations, or any other reservations for those purposes authorized by this Ordinance and to make use of such easements, dedications, or reservations for any of the purposes authorized by this Ordinance;

q. The right to hold, control and acquire by donation, purchase, lease, eminent domain or otherwise, to make use of such property for any of the purposes authorized by this Ordinance, and dispose of any District property on such terms as the District shall deem expedient;

r. The right to exercise the power of eminent domain in its own name in the manner provided by law for the condemnation of private property for public use to acquire title to such interest in real property as is necessary to the exercise of the powers herein granted; and

s. At the request of the County or any of its agencies, to provide assistance thereto in connection with the carrying out of any police functions.

The District shall have such duties as are imposed on it by Chapter 189, Florida Statutes, and other applicable laws. With the exception of the above specifically enumerated powers, any conflict between this ordinance and Sumter County Ordinances 2009-07 and 2010-____ shall be interpreted in favor of Ordinances 2009-07 and 2010-____ and the terms of those ordinances and the Interlocal Service Boundary Agreements and Joint Planning Agreements enacted or amended thereby shall prevail.

SECTION 4. GOVERNING BOARD OF DISTRICT.

a. The governing body of the District (the "District Board") shall exercise the powers granted to the District pursuant this Ordinance. The District Board shall consist of five members, none of whom shall be elected officials, employees or agents of the County. The initial members of the District Board, their terms of office and the seat they represent shall be as follows:

	<u>NAME</u>	<u>INITIAL TERM</u>
(1)	<u>John Davis</u>	2 years
(2)	<u>Charlie Smith</u>	2 years
(3)	<u>Gary W. Davis</u>	4 years
(4)	<u>Fred Gibbons</u>	4 years
(5)	<u>Erik Greulach</u>	4 years

b. Following the expiration of the terms of office of the initial members of the District Board, each member shall be elected by qualified electors as described below and shall hold office for a term of four years and until a successor is elected and qualifies. All elections shall be conducted in accordance with applicable state law and the provisions hereof. All members of the District Board must be residents of the District and, additionally, one member of the District Board must be a resident of Village Community District No. 5 (Seat 1), one member must be a resident of Village Community Development District No. 6 (Seat 2), one member must be a resident of Village Community Development District No. 7 (Seat 3), one member must be a resident of Village Community Development District No. 8 (Seat 4), and an at large member who must be a resident of Village Community Development Districts 5, 6, 7 or 8 (Seat 5). The members of Seats 1 through 4 shall be elected by qualified electors solely within the community development district in which they reside, and the at large member shall be

elected collectively by qualified electors in Village Community Development Districts 5, 6, 7, and 8. The members of the District Board must be citizens of the United States. For purposes of this subsection, qualified electors means any person at least 18 years of age who is a citizen of the United States, a legal resident of Florida and of the District, and who registers to vote with the supervisor of elections in the county in which the District land is located.

c. Elections of District Board members shall be nonpartisan and shall be conducted in the manner prescribed by law for holding general elections. Board members shall assume the office on the second Tuesday following their election.

d. Upon entering into office, members of the District Board shall take and subscribe to the oath of office as prescribed by s. 876.05, Florida Statutes. They shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If, during the term of office, a vacancy occurs, the remaining members of the District Board shall fill the vacancy by an appointment for the remainder of the unexpired term.

e. A majority of the members of the District Board constitutes a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action taken by the District shall be upon a vote of a majority of the members present unless general law or a rule of the District requires a greater number.

f. As soon as practicable after each election or appointment, the District Board shall organize by electing one of its members as chair and by electing a secretary, who need not be a member of the District Board, and such other officers as the District Board may deem necessary.

g. The District Board shall keep a permanent record book entitled "Record of Proceedings of North Sumter County Utility Dependent District," in which shall be recorded

minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts. The record book shall at reasonable times be open to inspection in the same manner as state, county, and municipal records pursuant to Chapter 119, Florida Statutes. The record book shall be kept at the office or other regular place of business maintained by the District Board in Sumter County.

h. All meetings of the District Board shall be open to the public and governed by the provisions of chapter 286, Florida Statutes.

i. Each member of the District Board shall be entitled to receive for his or her services an amount not to exceed \$200 per meeting of the District Board, not to exceed \$4,800 per year.

j. At the time a vacancy occurs in the District Board during a member's term, the vacancy shall be filled by a vote of the remaining members of the District Board within sixty (60) days after the vacancy occurs. The person appointed shall hold office for the balance of the term and shall meet all qualifications under state law and this Ordinance.

SECTION 5. FINANCING OF THE DISTRICT. The District, in order to finance the purposes and operations of the District, shall have the power to borrow money and issue bonds, revenue anticipation notes, certificates, or other form of indebtedness payable from and secured by a pledge of funds, revenues, taxes, and assessments, warrants, notes, or other evidence of indebtedness; and to cooperate or contract with other persons or entities, including other governmental agencies as necessary, convenient, incidental, or proper in connection with furthering any power, duty, or purpose authorized by applicable law and to take any other action not inconsistent with applicable law.

SECTION 6. NOT INCONSISTENT WITH COMPREHENSIVE PLAN AND DISTRICT IS THE BEST ALTERNATIVE. The creation of the District is not inconsistent with the County's Comprehensive Plan and all other applicable growth management rules, regulations, ordinances and law. The District is the most efficient and effective method by which to achieve the purposes set forth above (as opposed to private alternatives such as a homeowner's association, private partnership, neighborhood association, or public alternatives such as MSTU, MSBU, independent special district, etc.).

SECTION 7. APPLICABLE FINANCIAL DISCLOSURE, NOTICING, AND REPORTING REQUIREMENTS. The District will provide at its cost and expense all financial disclosures including audits as required by Florida law relating to dependent special districts, and all financial disclosures relating to bonds, financing, ad valorem taxes, non-ad valorem special assessments, and the like. Any and all meetings of the District Board shall be noticed in accordance with Florida law.

SECTION 8. BUDGET AND APPROVAL THEREOF. On or before each June 1, the District Board shall prepare or have prepared under its direction and at its cost and expense a proposed budget for the ensuing fiscal year. The proposed budget shall include an estimate of all necessary expenditures of the District for the ensuing fiscal year and an estimate of income to be received by the District for such ensuing fiscal year. No later than each July 15, such proposed budget shall be delivered to the County Administrator of the County. The budget for the District shall be approved or vetoed by the Board of County Commissioners no later than the September 15 immediately following delivery of the same to the County Administrator. The District shall operate in accordance with the provisions of its last approved budget until such time as the subsequent budget is approved by the Board of County Commissioners.

SECTION 9. DEBTS AND OBLIGATIONS OF THE DISTRICT. Any bonds or other debts or other obligations of the District shall not constitute a debt or obligation of the County or the State of Florida, nor shall the County be required to assume the debts of the District in the event of a default or dissolution of the District or otherwise provide financial support to the District. On the date of the delivery of the proposed budget to the County Administrator as described in Section 8 herein, the District shall also deliver to the County Administrator an opinion letter executed by an independent auditor compensated by the District which shall list all of the District's current debts and obligations, as well as any proposed debt or obligation reflected in the proposed District budget, and confirm that no item listed therein is a debt or obligation of the County.

SECTION 10. FINANCIAL INDEPENDENCE. The District is a financially independent political subdivision, and the District shall be solely responsible for its own accounting and auditing functions in accordance with Florida law.

SECTION 11. INCORPORATION, CONFLICT, AND SEVERABILITY.

a. It is the intention of the Board of County Commissioners and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Sumter County Code, and that the sections of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

b. All Sumter County ordinances, or parts of ordinances, and all Sumter County resolutions, or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

c. If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the ordinance.

SECTION 12. EFFECTIVE DATE. This ordinance shall take effect immediately upon its filing with the Department of State (as provided in Section 125.66(2), Florida Statutes), but in any case no later than July 23, 2010.

Passed in open and regular session of the Board of County Commissioners of Sumter County, Florida, this _____ day of _____, 2010.

Attest:

BOARD OF COUNTY COMMISSIONERS
SUMTER COUNTY, FLORIDA

Clerk of the Board of County Commissioners
Sumter County, Florida

By: _____
Chairman

Approved as to form and
legal sufficiency:

County Attorney